



## WESTFIELD-WASHINGTON

### BOARD OF ZONING APPEALS

July 13, 2010

1007-VU-03

Exhibit 1

<b>PETITION NUMBER:</b>	1007-VU-03
<b>SUBJECT SITE ADDRESS:</b>	800 East Main Street
<b>APPELLANT:</b>	Harold Hill and Coby Conrad of Northside Guns
<b>REQUEST:</b>	The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.070-2) to allow for an Indoor Shooting Range.
<b>CURRENT ZONING:</b>	LB
<b>CURRENT LAND USE:</b>	Vacant
<b>APPROXIMATE ACREAGE:</b>	1 +/-
<b>RELATED CASES:</b>	None
<b>EXHIBITS:</b>	1. Staff Report 2. Aerial Location Map 3. Appellant's Application
<b>STAFF REVIEWER:</b>	Ryan Schafer

### **PETITION HISTORY**

The July 13, 2010 Board of Zoning Appeals meeting represents the first hearing of this petition before the Board.

### **PROPERTY HISTORY**

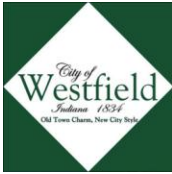
There are no previous zoning cases regarding 800 East Main Street (the "Property"). The Property's Local Business (LB) zoning classification dates back to 1977, when zoning was established in Westfield-Washington Township.

### **ANALYSIS**

The Appellant is requesting a use variance to allow for an Indoor Shooting Range (the "Proposed Use") on the Property. The Proposed Use would be in the building that is located in the northwest corner of the Property (the "Building"), (see Exhibit 2). An Indoor Shooting Range is not contemplated in the Zoning Ordinance, and is thereby prohibited in Westfield-Washington Township.

The Appellant's site plan depicts up to 8 firing lanes, with each lane measuring 60 feet deep by 4 feet wide. Participants would be firing at a shooting wall that is 10 feet tall by 32 feet wide. The firing area would be located within the northwest portion of the Building, and it would be closed off from the remaining area of the Building. The firing area would only be accessed by an internal door.

Adjacent parcels near the Property are used for residential to the north and commercial retail to the south, east and southwest. The Property shares a property line with the Montessori School of Westfield to the west (see Exhibit 2).



Retail and services uses are generally allowed in the LB District; however, given the adjacent uses, the Proposed Use is not a compatible use in this location. Staff communicated this to the appellant prior to filing.

### **PROCEDURAL**

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under IC 36-7-4-918.4 only upon a determination in writing that:

### **STANDARDS FOR USE VARIANCE REQUEST**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

**Finding:** It is possible that the Proposed Use would be injurious to the public health, safety, morals, and general welfare of the community. The addition of an Indoor Shooting Range to an area that is near downtown, adjacent to residential neighborhoods, and adjacent to a private school could put the safety and general welfare of the community at risk.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

**Finding:** It is possible that the use and value of adjacent property will be affected in a substantially adverse manner. Values of existing residential land could be negatively impacted by the Proposed Use due to the perceived hazard.

3. The need for the variance of use arises from some condition particular to the property involved:

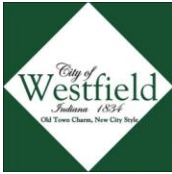
**Finding:** The Proposed Use is not contemplated in the Zoning Ordinance. Consequentially, the Variance of Use request arises from a condition particular to the property, specifically the zoning classification of the Property (LB).

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

**Finding:** The Property is zoned for local business uses. Any permitted use as defined by the Zoning Ordinance would be allowed to operate on the Property without the need of a variance.

5. The approval does not interfere substantially with the comprehensive plan:

**Finding:** The Property is located within an area that is identified in the Westfield Washington Comprehensive Plan ("the Comprehensive Plan") as "Local Commercial". This classification identifies retail which provides goods and services to "nearby residents on a day-to-day basis"



as a desirable use. The Comprehensive Plan lists examples such as banks, drug stores, and dry cleaners as uses that would be used by residents on a day-to-day basis. The classification in the Comprehensive Plan further states that uses which attract customers from a large geographic area are undesirable in Local Commercial areas. The Proposed Use is inconsistent with the recommendations established in the Comprehensive Plan; an Indoor Shooting Range has the potential to attract customers from a large geographical base, and is not typically considered a commercial good or service that would be used by most residents on a day-to-day basis.

### **RECOMMENDATIONS**

Deny the request for variance based on the findings of this report.

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***RAS***